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James - discovery issues

Matt Erausquin

You forwarded this message on 2/20/2012 11:27 AM.

Sent: Wednesday, February 15, 2012 2:49 PM

To: David N. Anthony [David.Anthony@troutmansanders.com]

Cc: Timothy J. St. George [tim.stgeorge@troutmansanders.com]; Leonard Bennett; Dale Pittman [dale@pittmanlawoffice.com]; Janelle Mason; Casey Nash

Counsel: We've filed our Amended Site Inspection notice such that the inspection of the Defendants' intranet site, and "S:\Strategic Outsourcing" folder, subfolders and backups thereof will occur on Friday, March 9. The inspection of the ACDV operators' systems will occur on Monday, March 12 in conjunction with their previously noticed video depositions. As we are coordinating with our experts and court reporters, please immediately provide the addresses for these systems, backup copies and witnesses.

Also, I have now reviewed the entirety of the bankers box that you mailed on February 10 and represented to Judge Payne would satisfy the majority of the "non electronic discovery" portion of what he ordered.

These documents are mostly (as in 80-90%) the American Collectors Association (ACA) manuals for compliance with the FDCPA and FCRA, as well as Affidavit power points that were previously provided. You have included a handful of depositions and affidavits from Angelique Purvis/Ross, and Rita Melconian.

Our preliminary review indicates that:

You did not provide the YGC or XDOCS manuals as stated in paragraph 3 of your status report;
You did not provide any correspondence with the state attorney generals or the FTC as stated in paragraph 4 of your status report;
You did not provide "additional emails to and from the members of the CDIA" as stated in paragraph 6 of your status report;
You did not provide any materials relating to the Johnson decision as stated in paragraph 8 of your status report, and did not provide any FCRA compliance manuals other than the ACA manuals.

Please let me know which Bates numbers you were referring to in your status report when you stated that these were mailed, and please also update your discovery responses accordingly to specifically identify the documents responsive to each request. Please also note that given our ongoing prejudice, for those documents not provided by Friday, we intend to seek Rule 37 enforcement, up to and including an order striking your defenses in this case.

Thanks,
Matt

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Matthew J. Erausquin
Consumer Litigation Associates, P.C.
1800 Diagonal Rd, Suite 600
Alexandria, VA 22314
Tel. 703-273-7770
Fax. 888-892-3512